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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/850,279	05/07/2001	Philip C. Strong	45272/05057/VHS1P001	1193

7590 07/15/2004
CARLTON FIELDS
P.O. Box 721030
San Jose, CA 95172-1030

EXAMINER

BURGE, LONDRA C

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

AUG 17 2004

Technology Center 2100

Office Action Summary

Application No.

09/850,279

Applicant(s)

STRONG ET AL.

Examiner

Londra C Burge

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/7/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This action is responsive to communications: Original Application and IDS filed 5/7/2001

2. Claims 1-21 are pending. Claims 1, 13, 17 and 21 are independent claims.

Claim Rejections - 35 USC § 102

3. **The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-5, 9, 11-14, 17-18 and 21 rejected under 35 U.S.C. 102(e) as being anticipated by Hendrickson et al. (herein after Hendrickson) U.S. Patent Pub No. 2002/0065852 A1 filed 11/30/2000**

In regard to independent claim 1, Hendrickson discloses *a) displaying information based on at least a portion of a plurality of record element constructors of a template to a user (Hendrickson Par 26 and Page 4 Claim 1A); b) receiving input for the record element constructors from the user in response to the displayed information (Hendrickson Par 27 and Page 4 Claim 1B); c) determining whether the received input is valid for the record element constructors (Hendrickson Fig 2 Step 190); d) generating record elements based on the record*

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element constructors and the received input (Hendrickson Page 4 Claim 1D); and e) storing the record elements in a database. (Hendrickson Page 6 Claim 42)

In regard to dependent claim 2, Hendrickson discloses *wherein the template is in an extensible markup language XML format. (Hendrickson Page 5 Claim 36)*

In regard to dependent claim 3, Hendrickson discloses *wherein one or more extensible style sheet language XSL style sheets are utilized during execution of elements a, c and d. (Hendrickson Par 29)*

In regard to dependent claim 4, Hendrickson discloses *wherein template is divided into a plurality of sections each having a plurality of record element constructors, and wherein elements a, b, c and d are repeated for each section of the template. (Hendrickson Par 30)*

In regard to dependent claim 5, Hendrickson discloses *wherein an extensible style sheet language (XSL) style sheet is applied to at least a portion of the record element constructors to generate the information displayed to the user. (Hendrickson Par 29)*

In regard to dependent claim 9, Hendrickson discloses *wherein the information is displayed to the user in a hypertext markup language (HTML) format. (Hendrickson Par 29)*

In regard to dependent claim 11, Hendrickson discloses *wherein the stored record elements are retrieved by and displayed to at least one of the user and a third party. (Hendrickson Par 26 and Page 4 Claim 1A)*

In regard to dependent claim 12, Hendrickson discloses *further comprising receiving a request for a service associated with the user, retrieving stored record elements from the database associated with the user, and issuing an order based on the request and the retrieved record elements. (Hendrickson Pages 5-6 Claim 38)*

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In regard to independent claims 13 and 17, claims 13 and 17 in addition to the following reflects the similar subject matter claimed in claim 1 and is rejected along the same rationale.

In regard to dependent claims 14 and 18, claims 14 and 18 reflect the same subject matter claimed in claim 2 and is rejected along the same rationale.

Logic (Hendrickson Par 11 i.e. process)

In regard to independent claim 21, Hendrickson discloses *applying a set of style sheets in sequence to each section of the worksheet template to (Hendrickson Par 29); generate a display based on the set of record element constructors of the particular section of the worksheet template; display the generated display to a user (Hendrickson Page 5 Claim 38A); receive input from the user based on the display (Hendrickson Page 3 Claim 38B); determine whether the received input is valid for all of the record element constructors of the particular section (Hendrickson Fig 2 Step 190); and generate record elements based on the record element constructors of the section and the received input (Hendrickson Page 4 Claim 1D); and storing the generated record elements of all of the sections of the worksheet template in a database as a transaction. (Hendrickson Page 6 Claim 42)*

Claim Rejections - 35 USC § 103

5. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrickson et al. (herein after Hendrickson) as applied to claim 1 in view of Trusheim et al. (herein after Trusheim) U.S. Patent No. 6,385,589 B1 filed 12/30/1998.**

In regard to dependent claim 6, Hendrickson does not mention *wherein the record elements are utilized in providing health care to the user*. However, Trusheim mentions providing health care to a patient (Trusheim Col 27-28 Claim 17). It would have been have been obvious to one of ordinary skill in the art at the time of the invention to apply Trusheim to Hendrickson, providing Hendrickson the benefit of using the data collection to provide health care to individuals who may not have health care keeping the individual healthy.

7. **Claims 7-8, 10, 15-16, 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrickson et al. (herein after Hendrickson) as applied to claim 1 in view of Farlow et al. (herein after Farlow) U.S. Patent No. 6,633,859 B1 filed 8/17/1999.**

In regard to dependent claim 7, Hendrickson does not mention *wherein an alert is displayed to the user if at least a portion of the input is determined to be invalid for the record element constructors*. However, Farlow mentions previous systems that yield incorrect data entries (Farlow Col 2 Lines 11-24). It would have been have been obvious to one of ordinary skill in the art at the time of the invention to apply Farlow to Hendrickson, providing Hendrickson the benefit of determining incorrect or invalid entries to make sure the information enter is correct before submitting.

In regard to dependent claim 8, Hendrickson does not mention *wherein the user is required to provide additional input unit for the portion of the input entered by the user is*

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determined to be invalid. However, Farlow mentions previous systems that yield incorrect data entries (Farlow Col 2 Lines 11-24). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Farlow to Hendrickson, providing Hendrickson the benefit of determining incorrect or invalid entries to make sure the information entered is correct before submitting.

In regard to dependent claim 10, Hendrickson does not mention *wherein the information is displayed to the user utilizing a network.* However, Farlow mentions where data is communicated over a network (Farlow Col 6 Lines 3-11). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Farlow to Hendrickson, providing Hendrickson the benefit of communicating the data over a network which would allow the data to be shared among several different machines that are connected to the network.

In regard to dependent claims 15 and 19, claims 15 and 19 reflect the same subject matter claimed in claim 7 and is rejected along the same rationale.

In regard to dependent claims 16 and 20, claims 16 and 20 reflect the same subject matter claimed in claim 10 and is rejected along the same rationale.

Conclusion

8. **The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.**

Barrows

U.S. Patent No 5,905,979

issued

5/18/1999

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Londra C Burge whose telephone number is 703-305-8784. The examiner can normally be reached on 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Londra C Burge
7/1/04


STEPHEN S. HONG
PRIMARY EXAMINER

Form 1449 (Modified) Information Disclosure Statement By Applicant (Use Several Sheets if Necessary)	Atty. Docket No. VHS1P001	Application No.: Unassigned
	Applicant: Dr. Philip C. Strong	
	Filing Date: Herewith	Group Art Unit: Unassigned

11002 U.S. PTO
 09/850279



U.S. Patent Documents

Examiner Initial	No.	Patent No.	Date	Patentee	Class	Sub-class	Filing Date
	A						
	B						
	C						
	D						
	E						
	F						
	G						
	H						
	I						
	J						
	K						

Foreign Patent or Published Foreign Patent Application

Examiner Initial	No.	Document No.	Publication Date	Country or Patent Office	Class	Sub-class	Translation	
							Yes	No
	L							
	M							
	N							
	O							
	P							

Other Documents

Examiner Initial	No.	Author, Title, Date, Place (e.g. Journal) of Publication
JB	R	Michael Kay, "XSLT Programmer's Reference"; Chapter 8, pp 533 to 563; April 2000, Published by Wrox Press Ltd, Birmingham, United Kingdom
	S	
	T	
Examiner	<i>Linda Burge</i>	
	Date Considered	6-30-04

Examiner: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Notice of References Cited	Application/Control No. 09/850,279	Applicant(s)/Patent Under Reexamination STRONG ET AL.	
	Examiner Londra C Burge	Art Unit 2178	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,905,979	05-1999	Barrows, Sue Ellen	707/1
	B	US-6,385,589 b1	05-2002	Trusheim et al.	705/2
	C	US-2002/0065852 b1	05-2002	Hendrickson et al.	707/517
	D	US-6,633,859 b1	10-2003	Farlow et al.	706/45
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.